

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 HANNAH H. ROSE
Deputy Attorney General
4 State Bar No. 56276
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
6 Facsimile: (415) 703-5480
Attorneys for Complainant

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-463

12 **LAURA KAY COLLINS, aka L. COLLINS**
13 **140 Lower Via Casitas, Apt. 8**
Greenbrae, CA 94904
14 **Registered Nurse License No. RN 460673**

ACCUSATION

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about December 31, 1990, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 460673 to Laura Kay Collins, aka L. Collins (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

...

7. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
5 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
6 or the possession of, or falsification of a record pertaining to, the substances described in
7 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
8 thereof.

9 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
10 revoke a license on the ground that the licensee has been convicted of a crime substantially
11 related to the qualifications, functions, or duties of the business or profession for which the
12 license was issued.

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 10. California Code of Regulations, title 16, section 1444, states, in pertinent part:

18 "A conviction or act shall be considered to be substantially related to the qualifications,
19 functions or duties of a registered nurse if to a substantial degree it evidences the present or
20 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
21 safety, or welfare....

22 11. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially
24 related to the qualifications, functions, or duties of the business or profession for which the
25 license was issued.

26 ///

27 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 12. Respondent is subject to disciplinary action under sections 490 and 2761(f) in that she
4 was convicted of a crime substantially related to the practice of registered nursing. The
5 circumstances are as follows:

6 13. On or August 13, 2007, in Marin County Superior Court case number CR 154947A,
7 Respondent plead guilty to a violation of Vehicle Code section 25152(b) (Driving while having a
8 blood alcohol of .08% or higher), with the added violation of Vehicle Code section 23538(b) (2)
9 (first offender referral to 9-month program if blood alcohol is over .20%).

10 SECOND CAUSE FOR DISCIPLINE

11 (Conviction of a Crime)

12 14. Respondent is subject to disciplinary action under sections 490 and 2761(f) in that she
13 was convicted of a crime substantially related to the practice of registered nursing. The
14 circumstances are as follows:

15 15. On or July 22, 2009, in Marin County Superior Court case number CR 164418A,
16 Respondent plead guilty to a violation of Vehicle Code section 25152(b) (Driving while having a
17 blood alcohol of .08% or higher), with the added violation of Vehicle Code section 23578(b) (2)
18 (enhanced penalty for conviction of violation of Vehicle Code section 23152 if blood alcohol is
19 over .15%).

20 THIRD CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct)

22 16. Respondent is subject to disciplinary action under section 2762(c) in that she
23 was convicted of a criminal offense involving the consumption or self-administration of alcoholic
24 beverages to an extent or in a manner dangerous to herself, another person, or the public or to the
25 extent that such use impairs her ability to practice registered nursing safely. The circumstances
26 are set forth in paragraphs 13 and 15 above.

27 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 17. Respondent is subject to disciplinary action under section 2762(b) in that she
4 used alcohol to an extent or in a manner dangerous or injurious to herself, another person or the
5 public, or to the extent its use impairs her ability to practice registered nursing safely. The
6 circumstances are set forth in paragraphs 13 and 15 above.

7
8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number RN 460673, issued to
12 Laura Kay Collins.

13 2. Ordering Laura Kay Collins to pay the Board of Registered Nursing the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
17
18

19 DATED: _____

③/23/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

24 SF2009405771
25 accusation.rtf
26
27
28